

Torrance, California
May 21, 1940

MINUTES OF AN ADJOURNED
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF TORRANCE

The City Council of the City of Torrance convened in an Adjourned Regular Meeting in the Council Chamber, City Hall, Torrance, California, on Tuesday afternoon, May 21, 1940 at 5:00 P.M.

Mayor McGuire called the meeting to order.

Clerk Bartlett called the roll, those answering present being
Councilmen: Babcock, Hitchcock, Murray, Powell and McGuire. Absent:
Councilmen: None.

Councilman Hitchcock moved that the minutes of a Regular Meeting held May 14, 1940 be approved as written. Councilman Babcock seconded the motion, which was carried unanimously.

WRITTEN COMMUNICATIONS

A communication was read from the Office of the County Counsel requesting that an agreement be entered into between the County of Los Angeles and the City of Torrance wherein the City of Torrance agrees to establish and maintain a public park upon the property it had requested the County to return to the City (portion of Block 50, Torrance Tract) in compliance with Section 4052b of the Political Code.

Councilman Hitchcock moved that City Attorney McCall be authorized to draw up an agreement in compliance with the above request. Councilman Murray seconded the motion, which was carried unanimously.

A communication was read from the Pacific Electric Railway Company, in which certain modifications of the original agreement submitted by said Company covering acquisition by the City of Pacific Electric right of way on Cabrillo Avenue were agreed upon.

Tuesday, May 28, 1940 at 10:00 A.M., was suggested as a suitable date for further discussion of the matter between the Council and Mr. Cornell of the Pacific Electric Railway Company's Law Department. Mr. Hitchcock suggested that the members of the Council meet in the meantime for further study of this subject, a date to be agreed upon later.

Clerk Bartlett advised that the estimated cost for painting the 529 lamp poles in the City of Torrance (including WALTERIA) is \$750.00 and suggested this amount be set up on the 1940-41 budget.

Engineer Young read a communication from Charles T. Rippey, Attorney for J. W. McDowell and Commercial Welding and Manufacturing Company, requesting that the zoning classification of Lot 17, Block 16, Torrance Tract be changed from C-1 to C-2 to allow Mr. McDowell to erect thereon a service station with grease rack, steam cleaning equipment and all appurtenances of a first class service station.

Councilman Powell moved that the matter be referred to the Planning Commission for investigation and recommendation. Councilman Murray seconded the motion, which was carried unanimously.

Engineer Young presented a request which has been submitted to him for permit to operate a refrigeration plant on Western Avenue north of 182nd Street.

Mayor McGuire suggested that Mr. Young present the matter Monday, May 27, 1940 at the Planning Commission meeting, adding that a change of the map is all that is required.

Engineer Young reported he had investigated the request of the Industrial Byproducts Specialists for permit to operate a plant for the manufacture of Sulphate of Iron on property leased from Santa Fe Land Company, adjacent to the International Derrick Company, and recommended that the request be granted.

Councilman Hitchcock moved that the request of the Industrial Byproducts Specialists for permit to operate a plant for the manufacture of sulphate of iron be granted. Councilman Babcock seconded the motion, which was carried unanimously.

Engineer Young referred briefly to the proposed sewer project in the Vista Highlands District, advising that the Sanitation District had given assurance the project would begin Tuesday, May 28, 1940.

Councilman Powell presented a recommendation of Chief J. H. Stroh that H. E. Garner be appointed as a patrolman of the Torrance Police Department during vacation period, said appointment to become effective June 1, 1940, and moved that the recommendation be complied with. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Powell presented a recommendation of Chief of the Fire Department, J. E. McMaster, that J. R. Winters and Walter West, highest eligibles under Civil Service, be appointed as Captains of the Torrance Fire Department, effective June 1, 1940 and moved that the recommendation be complied with. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Powell:

"I would like to inquire for some information. --This afternoon I called on City Clerk Bartlett requesting a copy of a report of the auditor's on the City Judge's report that he had here in regards to his shortage. Mr. Bartlett said he didn't have the report - that Mr. Rambo had it in his brief case. I was under the impression those reports should be in the custody of the City Council at all times. I would like some information on that."

Mayor McGuire asked Clerk Bartlett to reply to the question of Councilman Powell.

Clerk Bartlett:

"I believe that Mr. Rambo, who has access to the reports, wanted to refresh his mind on the report because I know he had it with him and he did intend to have it here today for this meeting, but he was held up due to his activities in San Bernaradino County Grand Jury investigation. He said he would have it here without fail someday this week - maybe tomorrow and maybe next day."

Mayor McGuire asked whether or not the original of the report was turned over to the City of Torrance.

Clerk Bartlett replied that he had no definite knowledge of whether or not it had been officially turned over to the City Council by the auditor.

Councilman Powell:

"I also wish to state that Mr. Rambo promised to have that report here yesterday - have it ready for me yesterday. I met him Saturday here - he said he would have it today, but he isn't here."

Mayor McGuire asked if it is customary for original documents to be taken from the files, to which Clerk Bartlett answered that it is not.

Councilman Powell:

"I would like to make a motion which I overlooked in regards to carrying out the intent of our motion of the last meeting.

I move that the City Clerk be instructed to write a letter to the Los Angeles County Grand Jury, requesting an investigation of the Police Department and City Judge's Department and that this letter include reference to the motion passed authorizing this investigation." Councilman Murray seconded the motion.

A discussion arose as to whether or not a motion is necessary authorizing someone to contact the Grand Jury, it seeming to be the opinion of some of the Council that the action taken requesting the investigation automatically authorized the Clerk to contact the Grand Jury. Mayor McGuire advised that a motion would be in order to give someone this authority.

Councilman Hitchcock offered a substitute motion at this time, moving that Councilman Powell be authorized to personally contact the Grand Jury in regard to the proposed Grand Jury investigation of the City Judge's Department and the Police Department, the City Clerk to furnish Councilman Powell with a letter to the Grand Jury to this effect. Councilman Murray seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Murray inquired regarding the option the City has on the E. Kettler property. The question arose regarding the expiration date of the option. Mayor McGuire instructed Clerk Bartlett to present a report on this matter at the next meeting.

Councilman Babcock presented and read title to:

ORDINANCE NO. 317

AN ORDINANCE AMENDING PARAGRAPH 72 OF SECTION 12 OF ORDINANCE NO. 235 OF THE CITY OF TORRANCE, ENTITLED "AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS CARRIED ON WITHIN THE LIMITS OF THE CITY OF TORRANCE; REPEALING ORDINANCES NO. 110, NO. 126, NO. 137, NO. 151, NO. 183, NO. 196, NO. 211, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Councilman Babcock moved that further reading of Ordinance No. 317 be dispensed with. Councilman Hitchcock seconded the motion, which was carried unanimously.

Councilman Babcock moved that Ordinance No. 317 be adopted for first reading. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock,

Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None.
ABSENT: COUNCILMEN: None.

Councilman Babcock asked Attorney McCall for a report regarding the Matoon Act Assessment on property in North Torrance. Attorney McCall said he had investigated and found that the usual procedure would be for the City Council to contact the Board of Supervisors and determine whether or not the Board will appropriate funds to pay off the bonds, or part thereof. He said he was under the impression a meeting with Supervisor Hauge of this district is scheduled Clerk Bartlett reported he had not as yet heard from Mr. Mann, who is arranging for the meeting.

Mayor McGuire moved that an appropriation of not to exceed \$247.20 be made for 24 meters for the Water Department. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Mayor McGuire moved that an appropriation of not to exceed \$478.47 be made for parts for fire hydrant repairs for the Water Department. Councilman Babcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Mayor McGuire asked for a report regarding the request of E. H. Rosenthal for permit to operate an amusement parlor at 1601 Gramercy Avenue. Councilman Powell said that although he had conducted an investigation of the matter, he had arrived at no definite conclusion as to whether or not the permit should be granted. He said he would be in favor of asking that another location be obtained which would not be near apartment buildings.

John Shidler, attorney for the owner of building where license is desired, said that he had investigated the matter and could see no objection to issuing the license. He pointed out that the license could be revoked at any time an objection to the business is received according to the business license ordinance. He urged that the Council act favorably on the application.

Councilman Hitchcock asked Mr. McCrome, applicant for the license, if the device is a gambling device, to which Mr. McCrome replied that it is purely recreational.

Councilman Hitchcock moved that the request be granted with the understanding that if the business becomes a public nuisance, the license shall be revoked. Councilman Babcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Babcock, Hitchcock, Murray, Powell and McGuire. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Before the roll call vote, Councilman Murray asked Chief Stroh why he had offered no recommendation at the last meeting, to which Chief Stroh replied that, since none of these amusement games are in operation on this coast, he could not offer a fair recommendation, having nothing except pictures to refer to.

ORAL COMMUNICATIONS

A. Beldon Gilbert, representing the Peace Officers Association of Southern California, addressed the Council at this time relative to the action taken at the Regular Meeting held May 14, 1940 in removing J. H. Stroh from office of Chief of Police on the ground that the action taken was illegal. He asked that the motion be rescinded and J. H. Stroh be restored to the office of Chief of Police of the City of Torrance. He introduced at this time Paul Sheedy, Counsel for the Peace Officers' Civil Service Association.

Mr. Sheedy addressed the Council regarding the above subject, maintaining that the City Council had not complied with the Civil Service Ordinance (Ord. No. 249) of the City of Torrance in removing the Chief of Police, pointing out that the Ordinance provides that the Chief of the Police Department shall be removed or reduced in rank only as provided for other members of classified service. He read section 17 of Ordinance No. 249 relative to this subject.

He added that very serious damage had been done to Chief Stroh, resulting from the charges made against him that a shortage in funds collected for fines and bails had been discovered. He said the City Council had pre-empted to itself the duties which are entirely vested by the Civil Service Ordinance in the Civil Service Commission.

He said the whole Civil Service Ordinance needs renovating, being faulty in many respects.

He said that, although it is not the desire of the Civil Service Association to hold a lengthy litigation in this affair, every resource of the Organization will be devoted to defending Chief Stroh. He said that unless the action is rescinded and the ordinance complied with in following the procedure provided therein for reducing officers, the only alternative will be to mandate the City Council, with the resulting litigation and expense. He said the Association will maintain throughout the procedure the position that J. H. Stroh is still the Chief of Police and is entitled to the compensation of Chief. He added that, although this is a matter of the purported dismissal of the Chief of Police, the matter is much more serious than that. He said it is the Association's contention, which will be followed throughout, that there has been an abuse of the privilege of their office by the Councilmen and that charges have been made through malice, which removes the cloak of privilege which surrounds the person who utters them. He asked that the action taken May 14, 1940 be rescinded, or if this is not done, that J. H. Stroh be served, or some attempt be made to serve him, with what purports to be the charges against him.

Councilman Hitchcock moved that the action taken by the City Council May 14, 1940 in removing J. H. Stroh from the office of Chief of Police of the City of Torrance be rescinded.

After a brief interval, Mayor McGuire declared the motion to rescind that action taken May 14, 1940 in removing J. H. Stroh from the office of Chief of Police lost for want of a second.

Councilman Babcock asked Mr. Sheedy if, according to Ordinance No. 249, the Chief of the Police Department is under Civil Service, to which Mr. Sheedy answered that there is absolutely no question but what he is under Civil Service.

Councilman Hitchcock said that he had questioned Attorney McCall regarding the Chief of Police, and that Mr. McCall had informed him the Chief is under Civil Service.

At this time, Councilman Murray requested that the minutes of May 14, 1940 be amended, stating he was quoted as saying the Chief of Police is not under Civil Service, which, he maintained, he did not state.

Mr. Sheedy said that J. H. Stroh should at least be extended the same courtesy which would be extended the patrolmen of the department, who cannot, he said, be dismissed or reduced in rank without a hearing before the Trial Board.

Attorney McCall said that he would like a little time to prepare a ruling on the points in question, adding that in his opinion the Chief of the Police Department is under Civil Service, but that the ordinance does not provide or set out any plan whatsoever for removing the Chief of Police.

Mr. Sheedy pointed out that if the Council still desires to reduce Mr. Stroh by June 1, 1940, there is sufficient time to do so by rescinding the original motion and proceeding in compliance with Ordinance No. 249.

Councilman Babcock maintained that the City Attorney should first submit a written opinion on the legality of the motion before any action is taken by the Council.

Mr. Wright in the audience made a few remarks at this time pertaining to the Civil Service Ordinance.

Mr. Pruitt, also in the audience, added a few words regarding the Police Department Civil Service setup.

Mr. A. Beldon Gilbert called attention at this time to the lengthy litigation in similar cases, mentioning Hermosa Beach and Compton, adding that, particularly in Compton, the action of the Council was held to be illegal and the employees restored to their original positions, all at a tremendous expense to the City.

Councilman Hitchcock again asked Attorney McCall if, in his opinion, the Chief of Police was under Civil Service. Attorney McCall replied that he was of the opinion the Chief has been under Civil Service since the Legislature passed the validating act of 1939.

Mrs. Brown in the audience urged that the Council give this matter their most profound consideration, adding that Chief Stroh, as an American citizen, is entitled to a fair trial and an opportunity of presenting his case.

In defense of his motion of May 14, 1940 requesting the removal of J. H. Stroh from the office of Chief of Police, Councilman Powell said he had no intent of violating any of the provisions of Ordinance No. 249 nor any of the Civil Service Rules and Regulations. He said that he had acted with the thought of protecting the interests of the public. He quoted the City Auditor as having made statements to the effect that a shortage of \$1200.00 had existed between the City Judge's Department and the Police Department and that something over \$400.00 had been located in the Police Department. He said his action was based solely on the auditor's statement that a shortage existed. He said he had been friendly with Chief Stroh for a number of years and had no intent of harming him personally.

Mr. Sheedy remarked briefly that, in spite of the fact that he (Councilman Powell) had known Mr. Stroh for a number of years and had been friendly with him, the action of Councilman Powell had been based on purely hearsay testimony.

Councilman Powell remarked that the Auditor had told a different story after the action of May 14, 1940 was taken.

Councilman Hitchcock again moved that the motion made May 14, 1940 to remove J. H. Stroh from the office of Chief of Police be rescinded.

Councilman Babcock inquired what the procedure would be to rescind the action and give Chief Stroh a trial before the Civil Service Trial Board.

Attorney McCall replied that in a previous case of similar nature, charges had been prepared and served upon the person and a trial held before the Trial Board of the Civil Service Commission, the Trial Board then submitting its recommendation to the City Council, who, in that particular case, approved the recommendation.

Councilman Babcock asked Mr. Sheedy if the finding of the Civil Service Commission are final in cases of this kind, particularly with respect to Chiefs of Police, Mr. Sheedy replying in the affirmative.

Mr. Sheedy pointed out that his Association's interest is in preserving the merit system of the City, not in dealing with personalities or political fencing.

Councilman Babcock said he would like the opinion of the City Attorney as to the legality of the motion in question and said that if the contention of Mr. Sheedy is supported by the ruling of Attorney McCall, he would favor rectifying the matter. He added that he felt the Police Department would be better off under another Chief.

Councilman Powell said he thought the auditor should be present to clarify his statements and specify which one he means. Councilman Murray added that the auditor had promised to have the report here for this meeting.

Mayor McGuire said that if Chief Stroh were summoned before the Trial Board for a hearing, the Auditor could be subpoenaed for the trial and could make his statement under oath.

Councilman Powell said he is willing to rectify the error, but said he wanted it understood that the error is no fault of his - that he was guided by statements of the Auditor when he made this motion.

Mayor McGuire asked Attorney McCall if the charges against Judge Lessing and Chief Stroh should be two separate actions, Attorney McCall answering in the affirmative.

Councilman Babcock asked if Mr. Calder had been given a hearing when he was removed from the office of Chief.

Chief Stroh answered that at the time he (Mr. Calder) was removed, Chiefs of Police Departments were not under Civil Service, they having gone under Civil Service in September, 1939 when the Governor of the State signed the bill passed by the Legislature.

Councilman Powell again stated he was not arguing the merits of the Civil Service system, but had acted in compliance with statements made by the Auditor.

Mayor McGuire declared the second motion offered by Councilman Hitchcock to rescind the motion of May 14, 1940 in removing J. H. Stroh from the office of Chief of Police lost for want of a second.

Mr. Bishop, Chairman of the Civil Board, remarked briefly regarding the Civil Service Ordinance, stating that the ordinance is ambiguous and difficult to administer and agreed that the ordinance should be amended.

Mr. Minor asked that the Council arrange to meet in the near future with the Waleria Civic Organization to discuss several desired improvements in Waleria. Mayor McGuire said a meeting will be arranged at the earliest possible date.

At 6:54 P.M., upon motion of Councilman Murray, seconded by Councilman Hitchcock, the meeting adjourned to Thursday, May 23, 1940 at 4:00 P.M.

A. H. Burrell
City Clerk of the City of Torrance

Approved:

Approved: Tom Z. McGuire
Mayor of the City of Torrance